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10/791,505	03/01/2004	William Michael Connors	2003-0193.01	2743

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EXAMINER	
MORRISON, THOMAS A	

ART UNIT	PAPER NUMBER
3653	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/791,505	CONNORS ET AL.	
	Examiner	Art Unit	
	Thomas A. Morrison	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *03/01/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 3, 5-9, 11-19 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3, 7, 11-19 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: (1) the structure in claim 3 that allows the sheet picking roller to be biased in a first direction to engage the top sheet of print media, regardless of which of the first media tray and the second media tray contains the top sheet of print media; (2) the structural relationship between the first media tray, the second media tray and the other elements of claim 7, which in the absence of the first print media in the first media tray, allows the second media tray to pivot at the at least one pivot joint to contact a media support surface of the first media tray; (3) the structure in claim 11 that allows the sheet picking roller to be biased in a first direction; (4) the structural relationship between the second media tray, the first media tray and the other elements of claim 15, which allows the second media tray to pivot at the at least one pivot joint to contact an upper media sheet

of the first print media in the first media tray; and (5) the structure in claim 21 that allows the sheet picking roller to be biased in a first direction.

Regarding claims 5 and 14, it is unclear where the recited mounting frame is located. What is the mounting frame connected to?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-8, 10-11, 13-17, 19-21 and 23-24, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,287,164 (Watanabe).

Regarding claim 1, Figs. 1-14 show an imaging apparatus, comprising:

a printing mechanism (including 3); and

a print media source (including 37, 33, 34 and 50) for supplying print media sheets to the printing mechanism (including 3), the print media source (including 37, 33, 34 and 50) including:

a first media tray (54) for holding a first print media;

a second media tray (53) for holding a second print media; and

a sheet feeder mechanism (including 37, 34 and 33) having a sheet picking roller (37) located to pick a top sheet of print media in the print media source, the top sheet of print media being located in one of the first media tray (53) and the second media tray (54).

Regarding claim 2, Figs. 1-14 show that the top sheet of print media is located in the second media tray (53) when at least one sheet of the second print media is present, and the top sheet print media being located in the first media tray (54) when the second media tray (53) is empty.

Regarding claim 3, Figs. 1-14 show the sheet picking roller (37) being biased in a first direction (downward) to engage the top sheet of print media, regardless of which of the first media tray (54) and the second media tray (53) contains the top sheet of print media.

Regarding claim 5, Fig. 8 shows a mounting frame (near 54a), the second media tray (53) being pivotably coupled by at least one pivot joint to the mounting frame.

Regarding claim 6, Figs. 8-11 show that the second media tray (53) pivots at the at least one pivot joint to contact an upper media sheet of the first print media in the first media tray (54). This can occur if first media tray (54) is filled to a point where the top sheet in first media tray (54) contacts the bottom surface of second media tray 53.

Regarding claim 7, Figs. 1 and 8 show that in the absence of the first print media in the first media tray (54), the second media tray (53) can pivot at the at least one pivot joint to contact a media support surface (top surface) of the first media tray (54). See

e.g., lower right-hand corner near 53a of second media tray (53), which is positioned such that it can contact the top surface of first media tray (54) when the first media tray is pivoted upward and the second media tray (53) is pivoted downward.

Regarding claim 8, the frame structure (near 54a) supports the first media tray (54) via a cross support extending across a width of the first media tray (54). See e.g., Figs. 1 and 8.

Regarding claim 10, the first media tray (54) can be a primary media tray and the second media tray (53) can be an auxiliary media tray.

Regarding claim 11, Figs. 1-14 show an imaging apparatus, comprising:

a printing mechanism (including 3); and

a print media source (including 37, 33, 34 and 50) for supplying print media sheets to the printing mechanism (including 3), the print media source including:

a first media tray (54) for holding a first print media;

a second media tray (53) for holding a second print media; and

a sheet feeder mechanism (including 37, 34 and 33) having a sheet picking roller (37), the sheet picking roller (37) being biased in a first direction (downward) to pick a sheet of print media from the first media tray (54) and the sheet picking roller (37) being biased in the first direction (downward) to pick a sheet of print media from the second media tray (53).

Regarding claim 13, Figs. 1-14 show that the sheet picking roller (37) is positioned by the sheet feeding mechanism to pick a top sheet of print media, the top sheet of print media being located in the second media tray (53) when at least one sheet of the second print media is present, and the top sheet print media being located in the first media tray (54) when the second media tray (53) is empty.

Regarding claim 14, Figs. 1 and 8 show a mounting frame (near 54a), the second media tray (53) being pivotably coupled by at least one pivot joint to the mounting frame.

Regarding claim 15, Figs. 1-14 show that the second media tray (53) can pivot at the at least one pivot joint to contact an upper media sheet of the first print media in the first media tray (54). This can occur if first media tray (54) is filled to a point where the top sheet in first media tray (54) contacts the bottom surface of second media tray 53.

Regarding claim 16, Fig. 8 shows that in the absence of the first print media in the first media tray (54), the second media tray (53) can pivot at the at least one pivot joint to contact a media support surface (top surface) of the first media tray (54). See e.g., lower right-hand corner near 53a of second media tray (53), which is positioned such that it can contact the top surface of first media tray (54) when the first media tray is pivoted upward and the second media tray (53) is pivoted downward.

Regarding claim 17, the frame structure (near 54a) supports the first media tray (54) via a cross support extending across a width of the first media tray (54). See e.g., Figs. 1 and 8.

Regarding claim 19, the first media tray (54) can be a primary media tray and the second media tray (53) can be an auxiliary media tray.

Regarding claim 20, Figs. 1-14 show a print media source, comprising:

a first media tray (54) for holding a first print media;

a second media tray (53) for holding a second print media; and

a sheet feeder mechanism (including 37, 34 and 33) having a sheet picking roller (37) located to pick a top sheet of print media in the print media source, the top sheet of print media being located in one of the first media tray (54) and the second media tray (53).

Regarding claim 21, Figs. 1-14 show the sheet picking roller (37) being biased in a first direction (downward) to engage the top sheet of print media, regardless of which of the first media tray (54) and the second media tray (53) contains the top sheet of print media.

Regarding claim 23, Figs. 1-14 show an imaging apparatus, comprising:

a frame (Figs. 1 and 8);

a primary media tray (54) for holding a primary print media; and

an auxiliary media tray (53) pivotably coupled to the frame, the auxiliary media tray (53) configured for holding a second print media.

Regarding claim 24, Figs. 1-14 show a sheet feeder mechanism (including 37, 34 and 33) having a sheet picking roller (37) located to pick a top sheet of print media, the top sheet of print media being located in one of the primary media tray (54) and the auxiliary media tray (53).

3. Claims 1-5, 8, 10-14, 17 and 19-24, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,227,533 (Jang).

Regarding claim 1, Figs. 1-4 show an imaging apparatus, comprising:

a printing mechanism (column 2, lines 9-10); and

a print media source (including 510, 200 and 300) for supplying print media sheets to the printing mechanism (column 2, lines 9-10), the print media source including:

a first media tray (210) for holding a first print media;

a second media tray (300) for holding a second print media; and

a sheet feeder mechanism (including 510) having a sheet picking roller (510) located to pick a top sheet of print media in the print media source, the top sheet of print media being located in one of the first media tray (210) and the second media tray (300).

Regarding claim 2, Figs. 1-4 show that the top sheet of print media is located in the second media tray (300) when at least one sheet of the second print media is

present, and the top sheet print media being located in the first media tray (210) when the second media tray (300) is empty.

Regarding claim 3, Figs. 1-4 show the sheet picking roller (510) being biased in a first direction to engage the top sheet of print media, regardless of which of the first media tray (210) and the second media tray (300) contains the top sheet of print media.

Regarding claim 4, Figs. 1-4 show the first media tray (210), the second media tray (300) and the sheet feeder mechanism (including 510) being arranged such that the second print media tray (300) must be empty before the sheet picking roller (510) of the sheet feeder mechanism (including 510) can engage a sheet of the first print media held by the first media tray (210). See also column 3, lines 36-49.

Regarding claim 5, Figs. 1-4 disclose a mounting frame (near 310), the second media tray (300) being pivotably coupled by at least one pivot joint to the mounting frame.

Regarding claim 8, at least part of the mounting frame includes a cross support extending across a width of the first media tray (210).

Regarding claim 10, the first media tray (210) can be a primary media tray and the second media tray (300) can be an auxiliary media tray.

Regarding claim 11, Figs. 1-4 show an imaging apparatus, comprising:

a printing mechanism (column 2, lines 9-10); and

a print media source (including 510, 200 and 300) for supplying print media sheets to the printing mechanism (column 2, lines 9-10), the print media source including:

a first media tray (210) for holding a first print media;

a second media tray (300) for holding a second print media; and

a sheet feeder mechanism (including 510) having a sheet picking roller (510), the sheet picking roller (510) being biased in a first direction to pick a sheet of print media from the first media tray (210) and the sheet picking roller (510) being biased in the first direction to pick a sheet of print media from the second media tray (300).

Regarding claim 12, Figs. 1-4 show that the first media tray (210), the second media tray (300) and the sheet feeder mechanism (including 510) are arranged such that the second media tray (300) must be empty before the sheet picking roller (510) of the sheet feeder mechanism (including 510) can engage a sheet of the first print media held by the first media tray (210).

Regarding claim 13, Figs. 1-4 show that the sheet picking roller (510) is positioned by the sheet feeding mechanism (including 510) to pick a top sheet of print media, the top sheet of print media being located in the second media tray (300) when at least one sheet of the second print media is present, and the top sheet print media being located in the first media tray (210) when the second media tray is empty.

Regarding claim 14, Figs. 1-4 disclose a mounting frame (near 310), the second media tray (300) being pivotably coupled by at least one pivot joint to the mounting frame.

Regarding claim 17, at least part of the mounting frame includes a cross support extending across a width of the first media tray (210).

Regarding claim 19, the first media tray (210) can be a primary media tray and the second media tray (300) can be an auxiliary media tray.

Regarding claim 20, Figs. 1-4 show a print media source, comprising:

a first media tray (210) for holding a first print media;

a second media tray (300) for holding a second print media; and

a sheet feeder mechanism (including 510) having a sheet picking roller (510) located to pick a top sheet of print media in the print media source, the top sheet of print media being located in one of the first media tray (210) and the second media tray (300).

Regarding claim 21, Figs. 1-4 show the sheet picking roller (510) being biased in a first direction to engage the top sheet of print media, regardless of which of the first media tray (210) and the second media tray (300) contains the top sheet of print media.

Regarding claim 22, Figs. 1-4 show the first media tray (210), the second media tray (300) and the sheet feeder mechanism (including 510) being arranged such that the

second print media tray (300) must be empty before the sheet picking roller (510) of the sheet feeder mechanism (including 510) can engage a sheet of the first print media held by the first media tray (210).

Regarding claim 23, Figs. 1-4 show an imaging apparatus, comprising:

a frame (near 310);

a primary media tray (210) for holding a primary print media; and

an auxiliary media tray (300) pivotably coupled to the frame, the auxiliary media tray (300) configured for holding a second print media.

Regarding claim 24, Figs. 1-4 show a sheet feeder mechanism (including 510) having a sheet picking roller (510) located to pick a top sheet of print media, the top sheet of print media being located in one of the primary media tray (210) and the auxiliary media tray (300).

Conclusion

4. The fact that not all of the claims have been rejected in view of prior art is not an indication that such claims contain allowable subject matter, particularly in view of the rejections under 35 U.S.C. 112, second paragraph outlined above.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

08/21/2006

PATRICK MACKEY
PRIMARY EXAMINER